

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re:

CASE NO. 09-21198-MDM

STORM SHENANDOAH CHICKS

CHAPTER 13

Debtor.

STIPULATION TO CURE ARREARAGES AND
GRANTING U.S. BANK, NATIONAL ASSOCIATION
ADEQUATE PROTECTION AND MODIFYING THE AUTOMATIC STAY

WHEREAS, Storm Shenandoah Chicks (hereinafter "Debtor") filed for relief under Chapter 13 of the U.S. Bankruptcy Code (11 U.S.C. Section 101 et seq.) on February 3, 2009, and Mary B. Grossman is the Chapter 13 Trustee; and

WHEREAS, this Court has jurisdiction over this proceeding under 28 U.S.C. §§ 1334 and 157, and the Order of Reference of The District Court; this is a core proceeding under 28 U.S.C. § 157; and venue in this Court is proper under 28 U.S.C. § 1409; and

WHEREAS, this Stipulation is brought pursuant to Bankruptcy Code § 362 and Federal Rules of Bankruptcy Procedure 4001, 6007 and 9014; and

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WHEREAS, U.S. Bank, National Association (hereinafter "Creditor") filed a Renewed Motion for Relief from Automatic Stay (hereinafter the "Motion") with the Bankruptcy Court on April 20, 2010; and

WHEREAS, Debtor filed an objection to the Motion (hereinafter the "Objection") dated May 3, 2010; and

WHEREAS, the Debtor owes as of May 7, 2010, the following post-petition arrearages, which were to be paid outside the Chapter 13 Plan:

Five (5) payments @ \$721.65 each (January 2010 - May 2010)	\$	3,608.25
Four (4) late charges @ \$28.87 each (January 2010 - April 2010)	\$	115.48
Attorney Fees	\$	400.00
Less Suspense Balance	\$	(1.40)
Less Good Faith Payment	\$	(722.00)
Total:	\$	3,400.33

IT IS HEREBY STIPULATED AND AGREED, by and between the Debtor and Creditor, as follows:

1. The Debtor will immediately deliver to counsel for the Creditor a payment of \$722.00 upon execution of this Stipulation to be applied to the post-petition arrearages.
2. Creditor (or its principals, successors or assigns) shall be entitled to file a supplemental claim for the remaining post-petition arrearages in the sum of \$3,400.33 (the "Supplemental Claim") to be paid through the Chapter 13 Plan.
3. The Debtor agrees to pay the Supplemental Claim through the Plan.
4. To provide adequate protection of the interests and liens in and against the real estate and improvements, commonly known as 3172 North Palmer Street, Milwaukee, Wisconsin

53212, (herein referred to collectively as the "Collateral"), described in the loan and security documents (herein the "loan documents") described in Creditor's Motion on file with the Court, the Debtor shall continue to make post-petition mortgage payments outside the Chapter 13 Plan in the amount of \$668.51 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), starting with the June 1, 2010 payment. The June 1, 2010 and all future payments must be received on or before the 16th day of each month, at the following address (unless Creditor in writing directs the Debtor to deliver payment to a different address):

U.S. Bank, National Association
c/o U.S. Bank Home Mortgage
4801 Frederica Street
Owensboro, KY 42301

Please indicate loan number when making payment.

5. As additional adequate protection, Debtor agrees to a "doomsday provision", providing that, in the event the Creditor does not receive any required payment on or before the 16th day of each month in the amount of \$668.51 per month (monthly payment amount may change from time to time in accordance with the terms of loan documents), beginning with the June 1, 2010 payment, the automatic stay will be terminated upon the occurrence of all of the following: (1) the Creditor (or its principals, successors or assigns) filing with the Court written confirmation of the missed payment(s); (2) counsel for the Creditor (or its principals, successors or assigns) filing with the Court a proposed Order terminating the stay; (3) counsel for the Creditor (or its principals, successors or assigns) promptly mailing to the Debtor and to counsel for the Debtor at their last known address a copy of the notice of payment default and proposed Order filed with the Court; and (4) the Court signing the proposed Order terminating the automatic stay. This doomsday provision shall be effective for a period of nine (9) months from,

and including, the June 1, 2010 payment and continuing through, and including the February 1, 2011 payment.

6. As additional Adequate Protection, Creditor (or its principals, successors or assigns) can renew this Motion by letter for the balance of the Chapter 13 Plan term.

7. The individuals signing this Stipulation hereby represent that they have full authority to execute this Stipulation on behalf of their respective clients.

8. The Debtor and Creditor understand that this Stipulation is not effective until approved by Order of the Bankruptcy Court.

9. This Stipulation may be signed in counterparts and copies may be used instead of originals. The executed counterparts shall be construed as and constitute one document.

10. The Debtor and Creditor agree that any Order granting a Motion for Relief from Automatic Stay is not subject to the fourteen (14) day stay referenced in Federal Rule of Bankruptcy Procedure 4001(a)(3).

11. Creditor's law firm is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Dated: May 7, 2010.

Dated: 7 May 2010

MILLER & MILLER LAW, LLC
Attorneys for Debtor

By: 

Ellen C. Fine

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Dated: 5/10/2010

KOHNER, MANN & KAILAS, S.C.
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By: 

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Dated: 5/11/10

CHAPTER 13 TRUSTEE

By: 

Mary B. Grossman
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